

Fresno, California

March 1, 2012

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Oliver Baines III	Councilmember
	Andreas Borgeas	Councilmember
	Lee Brand	Councilmember
	Sal Quintero	Councilmember
	Larry Westerlund	Councilmember
	Blong Xiong	Acting Council President
	Clinton Olivier	Council President

Mark Scott, City Manager
Bruce Rudd, Assistant City Manager
Jim Sanchez, City Attorney
Yvonne Spence, City Clerk
Yolanda Salazar, Assistant City Clerk

Yolanda Marquez of United Christian Church gave the invocation and President Olivier led the Pledge of Allegiance.

APPROVE MINUTES OF FEBRUARY 16, 2012:

On motion of Councilmember Westerlund, seconded by Councilmember Brand, duly carried, RESOLVED, the City Council minutes of February 16, 2012, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

President Olivier reported on his District 7 community meeting last evening stating it was very successful with over 100 people in attendance, stated issues of concern that were discussed were streetlight outages and the state of infrastructure (streets/curbs/sidewalks/trees), and thanked his staff and city staff for their assistance stating they were very helpful to a lot of people.

APPROVE AGENDA:

(2:00 P.M.) CONTINUED HEARING TO CONSIDER THE FORMATION OF A SPECIAL TAX DISTRICT (CFD NO. 16) FOR THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE UNIVERSALLY ACCESSIBLE PARK **(Continue to March 8, 2012, at 10:30 a.m.)**

Continued as noted.

On motion of Councilmember Westerlund, seconded by President Olivier, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong Olivier
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Councilmember Brand pulled **Item 1-G**, Councilmember Borgeas pulled **Item 1-I**, and Councilmember Westerlund pulled **Item 1-E** from the Consent Calendar for separate discussion/action.

Councilmember Westerlund registered a ‘no’ vote on **Item 1-D**.

(1-A) APPROVE A COST SHARING AGREEMENT WITH THE COUNTY OF FRESNO FOR INSTALLATION OF A LEFT TURN LANE AT THE INTERSECTION OF NORTH AND MAPLE AVENUES BEING DESIGNED AND CONSTRUCTED BY THE COUNTY OF FRESNO THROUGH A FEDERAL CONGESTION MITIGATION AND AIR QUALITY (CMAQ) GRANT

(1-B) AUTHORIZE THE DIRECTOR OF AVIATION TO EXECUTE AMENDMENT NO. 1 TO THE LAND LEASE AND AGREEMENT BETWEEN THE SANDHU BROTHERS (SANDHU) AND THE CITY OF FRESNO – AIRPORTS DEPARTMENT, FOR PROPERTY LOCATED AT 3147 N. CLOVIS AVENUE – “JOHNNY QUIK” FOOD STORE AND CHEVRON GAS STATION (ADDING NEW PERMITTED USES)

(1-C) AUTHORIZE THE TRANSPORTATION DIRECTOR OR DESIGNEE TO EXECUTE DOCUMENTS TO APPLY FOR AND ACCEPT \$15,000 IN GRANT FUNDS FROM THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) REMOVE II GRANT PROGRAM FOR ALTERNATIVE FUEL VEHICLE MECHANIC TRAINING

(1-F) APPROVE AN AMENDMENT TO THE AGREEMENT WITH WEST YOST ASSOCIATES IN THE AMOUNT OF \$48,400 FOR ADDITIONAL SCOPE OF SERVICES TO COMPLETE THE DESIGN OF PLANS AND GENERAL CONSTRUCTION CONTRACT DOCUMENTS FOR THE WATER MAIN REPLACEMENTS PROJECT IN THE HOWARD HEIGHTS AREA BOUND BY FOUNTAIN WAY, MAPLE AVENUE, UNIVERSITY AVENUE AND CEDAR AVENUE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO EXECUTE THE AMENDMENT ON BEHALF OF THE CITY

(1-H) APPROVE THE FOURTH AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH LAWRENCE, NYE, ANDERSEN ASSOCIATES IN THE AMOUNT OF \$7,200 TO MODIFY CONSTRUCTION DOCUMENTS FOR THE ENERGY MANAGEMENT SYSTEM UPGRADE FOR CITY HALL, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

On motion of Councilmember Brand, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

(1-D) APPROVE A CONSULTANT SERVICE AGREEMENT WITH CAROLLO ENGINEERS, INC., IN THE AMOUNT OF \$183,133 FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF A REPLACEMENT DISINFECTION SYSTEM AT THE NORTH FRESNO WASTEWATER RECLAMATION FACILITY, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR, OR DESIGNEE, TO SIGN THE AGREEMENT ON BEHALF OF THE CITY

On motion of Councilmember Brand, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **Item 1-D** hereby approved, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Xiong, Olivier
Noes	:	Westerlund
Absent	:	None

CONTESTED CONSENT CALENDAR:

(1-E) APPROVE AN AGREEMENT WITH SAITO ASSOCIATES LANDSCAPE ARCHITECT IN THE AMOUNT OF \$70,670, WITH A CONTINGENCY AMOUNT OF \$10,000, FOR A STUDY OF THE DOWNTOWN PLANTING AND IRRIGATION SYSTEM AND PREPARATION OF CONSTRUCTION DESIGN AND GENERAL CONTRACT DOCUMENTS FOR THE DOWNTOWN PLANTING AND IRRIGATION PROJECT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, OR DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

Councilmember Westerlund stated this was the first he heard this idea being contemplated and Capital Project Manager Son, ACM Rudd, Public Works Director Wiemiller, Assistant Public Works Director Banuelos and City Engineer Mozier responded to his questions, and/or clarified issues, relative to the intent of this project, scope of work, if it would be better to do this after the plan/policy for the Fulton Mall is adopted, the purpose of this study being to look at existing tree wells/tree inventory in the downtown area, the ranking system being unclear, what the rankings will show, how many of the 12 projects on the priority list will be constructed, cost for the entire project, funding sources, and match amount and match source.

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled agreement with Saito Associates Landscape Architect hereby approved, and the Public Works Director, or designee, authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

Contested Consent Calendar proceedings were interrupted for the following presentation.

ADD-ON: PROCLAMATION OF “FRESNO FOOD EXPO DAY”

Read and presented.

CONTESTED CONSENT CALENDAR – CONTINUED:

(1-G) RECEIVE THE UPDATED CITY-WIDE PRIORITY RANKING LISTS FOR NEW TRAFFIC SIGNAL INSTALLATIONS, TRAFFIC SIGNAL LEFT-TURN PHASING, AND INTERSECTION TRAFFIC FLOW IMPROVEMENTS

Councilmember Brand stated the lists looked like “wish lists” and presented questions and comments relative to whether federal grants were the funding source, if it was realistic to expect that only a handful of these projects will be funded, how many projects would be constructed in one year if adequate funds were available, receipt/approval of the priority lists being at issue this date, and if these needs were another casualty of the budget crisis, with City Traffic Engineer Tyler, ACM Rudd and Public Works Director Wiemiller responding. A motion and second was made to approve staff’s recommendation. Councilmember Quintero thanked staff for the Chestnut/Balch signal near Olmos Elementary School, and Councilmember Xiong presented questions briefly relative to how this fit into the larger transportation issue, what specific funds staff would be seeking, partnership coordination, and if this situation could be perceived as subsidy money.

On motion of Councilmember Brand, seconded by Councilmember Baines, duly carried, RESOLVED, the updated Citywide priority ranking lists for new traffic signal installations, traffic signal left turn phasing and intersection traffic flow improvements hereby received, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

RECESS – 9:19 A.M. – 9:26 A.M.

(1-I) RESOLUTION NO. 2012-28 - APPROVING THE FINAL MAP OF TRACT NO. 5951 LOCATED ON THE NORTH SIDE OF W. HERNDON AVENUE BETWEEN N. WARREN AND N. WEST AVENUES, AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN

Supervising Engineering Technician Bartel and Planner Tackett responded to questions of Councilmember Borgeas and clarified issues relative to whether the map was no longer tentative, **(2 – 0)** history of the issue, the numerous extensions of the tentative map, implementation committee and planning commission review and vote, community outreach process, the project’s lengthy time process, and if it was normal to place final maps on the Consent Calendar.

On motion of Councilmember Borgeas, seconded by Councilmember Xiong, duly carried, RESOLVED, the above entitled Resolution No. 2012-28 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

(8:45 A.M.) PRESENTATION OF THE CHARTER REVIEW COMMITTEE REPORT

City Manager Scott acknowledged Charter Review Committee (CRC) Chair Bill Stewart and some of the members in attendance, noted he and City Attorney Sanchez had an opportunity to sit with the committee over the last several months and stated as citizen committees go this group was as diligent and efficient as any group he had ever worked with, and stated no small part of that credit went to Chair Stewart and turned the presentation over to him.

CRC Chair Stewart named and acknowledged the members of the CRC, spoke to meetings held and the committee’s review of the 23 items they were charged with as well as 32 additional items put forth during their deliberations, and thanked those Council members who attended meetings along with City Manager Scott and City Attorney Sanchez for providing their views and contributing to the discussions and recommendations.

Councilmember Borgeas thanked the CRC for their exemplary work; spoke to the difference between this committee and the 1992 committee, to his and Councilmember Brand’s sponsorship in the creation of this committee, to the need to consider the city’s financial situation in any expected expenditures, to looking at the November election (versus June) for any ballot initiatives, and to looking into the ability of other parties contributing financially to place items on the ballot; and stated he enjoyed reading the report, he looked forward to debating the issues with his colleagues, and again thanked the CRC for their work and Mr. Scott and Mr. Sanchez for attending virtually all the meetings and contributing their expertise to this high quality product, expanding on his comments throughout. Mr. Stewart thanked Councilmember Borgeas for his comments and stated the CRC appreciated the participation of everyone, they recognized they were a recommending body, and they understood these were not reasonable times and that Council would do what is best for the citizens.

CRC member Dan Fitzpatrick stated the committee had very spirited discussions over the last 7-8 months and of the 55 items considered 10 were recommended for Charter changes, 9 were recommended for various policy decisions, and 36 were recommended for no further action; stated the items that caused the greatest amount of controversy were items that would change the balance of power between the Mayor and City Council; and spoke to the importance of *balance of power*, importance of transparency/open government, and his opposition to Items #7 (Mayor authority to create/structure/consolidate/abate departments) and #55 (Mayor authority to appoint City Attorney), elaborating on his comments throughout.

Speaking to the issue were: Venancio Gaona, 5209 E. Hamilton, representing La Raza Lawyers Association, G.I. Forum, Chicano Youth Center, Association of Mexican-American Educators, and El Concilio de Fresno, concerns with Items 7 and 55 (Mayor authority over city departments and appointment of City Attorney); Michael Evans, 6141 N. West, opposition to Items 7 and 55; Attorney Howard Watkins, 1785 W. Dovewood, concerns with Items 7 and 55; CRC member Jared Gordon, who stated the two ballot initiatives that would be recommended by the CRC would deal with (1) realignment of the City Attorney/powers of the Mayor/other *balance of power* issues, and (2) fiscal management, elaborating on each; Mike Prandini, Building Industry Association, 1530 E. Shaw, who stated the BIA had a neutral position on most recommendations and “strong disagreement” with #17 (modifying the campaign contribution period) and #55; and Rick Morse, 234 E. Olive Avenue, who spoke off subject (medical marijuana).

Brief discussion ensued on the process, options and timelines, with City Attorney Sanchez explaining and clarifying issues. President Olivier stated maybe Council needed to discuss the June ballot timeline whereupon Councilmember Borgeas stated there was so much information that no one could contemplate June as a possibility and recommended June be taken off the table and that the items be broken up by theme/subject matter and considered by Council over a period of two months and move for the November ballot.

Extensive Council discussion ensued. Councilmember Westerlund extended his heartfelt thank you to the committee stating members truly worked in the best interests of the city; stated he thoroughly reviewed the report **(3 – 0)** and spoke to (1) the committee's general agreement that "if it ain't broke don't fix it" (and upon his question Mr. Stewart stated although there were a number of opinions none of the members said the existing Charter was broken), (2) the recommendation to be wary of cluttering up the Charter with unnecessary provisions that can be better addressed at the policy level, (3) his opposition to placing any initiatives on the ballot at this time, (4) there being no looming problems that cannot be dealt with, (5) his reverse auction item and need to wait to see the results on cost savings, and (6) the upcoming report from the administration on next year's budget situation; and presented questions/comments on a number of the items and recommendations in the report, along with his positions, with Mr. Stewart, Mr. Fitzpatrick, City Manager Scott and City Attorney Sanchez responding throughout.

Councilmember Brand stated it had been 20 years since the Charter was last examined, agreed June was clearly out of the question for placing initiatives on the ballot, thanked the committee and staff for all their hard work and stated the dilemma was the city's budget situation, noted a lot of these issues were potentially financial issues with cost savings attached and that could be balanced with the cost to place items on the ballot, stated he felt there was a need to institutionalize some of these policies so past mistakes are not repeated, stated if items are placed on the November ballot there needed to be a common thread, and spoke to various report issues and recommendations along with his positions, elaborating on his comments throughout. Councilmember Brand stated he agreed with Councilmember Borgeas' recommendation to take time and review the items over a period of time and made a motion to divide the 55 items into four groups and deliberate 14 items at a time at upcoming meetings with a final Council vote on whether to place any of the items on the ballot, which motion was seconded by Councilmember Borgeas.

Councilmember Baines stated he was truly appreciative of the committee's work and of Mr. Scott's and Mr. Sanchez' attendance at the meetings, expressed support for the motion stating it would provide plenty of time to get into the details, stated he supported most of the items but he did have issues with some mentioned today by the public and his colleagues, stated the Charter was the city's constitution and spoke to the need to make it clear that these issues are not about current council members or staff and their individual grievances but about the city's form of government, **(4 – 0)** and agreed things should not be rushed for the June ballot, elaborating on his comments throughout. Councilmember Baines continued and spoke to Policy Observation/Recommendation #1.4, Page 20, "Composition of Commissions", and stated the composition of the CRC lacked "the city's rich cultural, geographic and social diversity", as stated in the report, added there was very little representation from the rest of the city and voices of the entire city needed to be heard in the future, and clarified the CRC did a fantastic job but he felt it was worthy to say the committee should have reflected what our community looks like.

Councilmember Xiong also commended the CRC for their tremendous work, and spoke to the *balance of power* issue, to the need to review the Charter periodically, to the "if it ain't broke don't fix it" adage stating if you wait till it's broken it is usually too late, to the amount of work the CRC put into these issues-- many of which he stated were relevant and needed to be addressed, to the need for clarity for future councils, to his strong positions on some of the issues that came up today and his looking forward to debating the issues, to his perception of power being extremely high, to the work of the CRC and need to complete Charter item discussions before November, to the budget being extremely important but not being the only underlying factor in every decision Council makes, and to the need for residents and advocates to be engaged in the upcoming process.

Councilmember Borgeas noted a lot was said but there was still a lot to be said, and spoke to when Measure A was put on the ballot and how that kind of served as the basis to look at what exactly was in the Charter, to his review of the city's Charter and the size of other cities' Charters, to the need to have a Charter that makes government more effective and transparent with clearly delineated jurisdictional lines, and to the Charter being outdated and the need to take out provisions that do not belong in there, elaborating throughout.

Councilmember Quintero thanked the CRC for all their hard work; stated after meeting with constituents and community-based organization he would not be supporting Items 7 and 55 and he looked forward to discussing the other items; questioned candidate fundraising and why the City's timeline was different from the County and other government entities who can raise money year round; and stated he felt a review of the Charter every 10 years would be a good thing.

President Olivier also thanked the CRC for their work and stated he looked forward to debating the issues, and stated after hearing his constituents' comments and concerns last evening at his district meeting on needs and lack of money to address those needs he was very wary about spending general fund dollars to place initiatives on the ballot.

On motion of Councilmember Brand, seconded by Councilmember Borgeas, duly carried, **RESOLVED**, the Report of the City of Fresno Charter Review Commission (CRC) hereby received, and the 55 issues considered by the CRC as Charter provisions to be divided equally into four groups and discussed/deliberated in upcoming meetings with a final Council vote on whether to place any of the items on the November ballot, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	None

Mr. Sanchez noted some of the items Council will consider are policy issues and some are Charter issues and recommended the Charter items be considered first to meet the timeline for submission on the ballot.

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(9:00 a.m. 'A') COUNCIL BOARD & COMMISSION COMMUNICATIONS AND ASSIGNMENTS:

#1 COUNCIL OF GOVERNMENTS (COG) - SWEARENGIN, BORGEAS-EX-OFFICIO/ALTERNATE
FINANCE AND AUDIT COMMITTEE - BORGEAS, BRAND, OLIVIER
FRESNO AREA WORKFORCE INVESTMENT CORPORATION - BAINES
FRESNO COUNTY TRANSPORTATION AUTHORITY (FCTA) - SWEARENGIN, BORGEAS
FRESNO REGIONAL WORKFORCE INVESTMENT BOARD - BAINES
FRESNO COUNTY ZOO AUTHORITY - SWEARENGIN, BAINES-ALTERNATE
FRESNO-MADERA AREA AGENCY ON AGING BOARD - OLIVIER
JOINT POWERS FINANCING AUTHORITY - OLIVIER
LEADERSHIP COUNCIL ON ENDING HOMELESSNESS – SWEARENGIN, BAINES
PUBLIC SAFETY JOINT POWERS AUTHORITY - SWEARENGIN, OLIVIER
SAN JOAQUIN RIVER CONSERVANCY BOARD - SWEARENGIN, WESTERLUND
THE ASSOCIATION FOR THE BEAUTIFICATION OF HIGHWAY 99 - BAINES
UPPER KINGS BASIN INTEGRATED REGIONAL WATER MANAGEMENT JPA - BORGEAS
PENSION REFORM TASK FORCE - BORGEAS, BRAND, XIONG
ECONOMIC DEVELOPMENT CORPORATION SERVING FRESNO COUNTY - BORGEAS-EX-OFFICIO
FRESNO CITY & COUNTY CONVENTION & VISITORS BUREAU (CVB) - SWEARENGIN, VACANT
LEAGUE OF CALIFORNIA CITIES (ANNUAL MEETING) – SWEARENGIN, XIONG-ALTERNATE
SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (SJVAPCD) – BAINES

Councilmember Xiong reported on the League of California Cities and a regional meeting in Visalia with some of the smaller cities where Fresno Sustainable staff spoke to the city's programs and success.

Councilmember Borgeas reported on the last meeting of the FCTA with High Speed Rail Authority representatives. Lengthy discussion ensued on the ongoing problem of impacts to agriculture and businesses along the proposed alignment, and City Manager Scott, City Attorney Sanchez and Councilmember Westerlund responded to questions/comments relative to the consequence study, the new business model report, the continuing lack of answers for businesses, consequence if businesses leave in terms of tax rolls, loss of public relations information exchange, ability/option of creating an interface program with Fresno County **(5 – 0)**, if the City has the authority to alter decisions made on high speed rail, and if a ballot measure could undo the earlier rail ballot initiative.

Councilmember Westerlund reported on the San Joaquin River Conservancy Board including (1) negotiations for properties along the river, and (2) whether the board should take a position on the Friant River Ranch Project.

Councilmember Baines reported on the Fresno Regional Workforce Investment Board and their engagement in the high speed rail issue and jobs; relative to the Leadership Council on Ending Homelessness stated Council was aware of activities that took place this year, advised he recently resigned from Fresno First Steps Home, and spoke to the need for Fresno County's help in addressing the homeless situation; stated he had not attended a meeting of the Highway 99 Beautification Committee nor had he ever been notified of any meeting; and stated board member of the SJVAPCD was a very taxing assignment and spoke to the issue of air quality stating it was very enlightening and he planned to be an active board member, and advised the SJVAPCD was in a similar state as the City in working on a general plan update.

President Olivier reported he and/or a member of his staff have attended the monthly meetings of the Fresno Madera Area Agency on Agency which he stated was doing a great job providing senior meals and doing what they can in these difficult times.

LUNCH RECESS – 12:00 NOON TO 1:34 P.M.

Councilmember Brand reported the Finance and Audit Committee would get started in a few weeks on the Redevelopment Agency/City finance (debt) issue; and relative to Pension Task Force stated the draft of the final report was ready and the committee would have one more meeting before providing the report to Council.

#2 CITY COUNCIL APPOINTMENTS, REAPPOINTMENTS, REMOVALS TO/FROM CITY AND NON-CITY BOARDS AND COMMISSIONS

President Olivier noted there was one committee vacancy whereupon City Attorney Sanchez stated he would provide Council with a memo and a decision could be made at the next reporting period on whether or not that appointment should be made. There was no further discussion.

(9:00 a.m. 'B') CONSIDER THE ESTABLISHMENT OF A STREETLIGHT FUNDING ACT – COUNCILMEMBER BRAND
#1 RESOLUTION NO. 2012-29 - ESTABLISHING A “STREETLIGHT FUNDING ACT” POLICY IDENTIFYING FUNDING SOURCES, POLICY PRIORITY, AND IMPLEMENTATION OF A PROACTIVE CITYWIDE STREETLIGHT THEFT DETERRENT CONCRETE ENCASEMENT PROGRAM, **AS AMENDED**
#2 RESOLUTION NO. 2012-30 - 55TH AMENDMENT TO AAR 2011-133 APPROPRIATING \$232,800 FOR STREETLIGHT MAINTENANCE

Councilmember Brand thanked involved staff for their assistance, noted the ‘red tag’ item submitted contained a few minor changes which had the Mayor’s full support, and gave a PowerPoint presentation on the “Streetlight Funding Act” policy which consisted of Continuation from the 12/1/11 Council Meeting, Identifying Funding Source, Allocation of Future Settlement Funding (2-step process to secure additional funds), Delays in Funding or Gap Financing, Costs Exceeding Revenues, Citywide Implementation Plan, Timeline for Program, Repairing Existing Streetlights, Prioritization of City Streetlights, Effective Date, and Final Comments. Councilmember Brand made motions to adopt Resolution #1, which was seconded by Councilmember Baines, and Resolution #2, which was seconded by Councilmember Quintero.

Councilmember Borgeas thanked Councilmember Brand stating this problem affects all districts and it was clear the entire Council was in favor of making this happen, stated streetlights was a core city service, upon his question City Attorney Sanchez stated the agreement identified a 60-day window to receive the settlement funds, and noted staff would be giving a budget briefing in May and presented questions relative to whether there would be any unintended consequences by appropriating dollars of this size in advance of the actual budget, if allocating funds mid-year would be precedent-setting, if Resolution #2 could be pushed into the FY 13 budget process, and if Councilmember Brand had any concern about committing funds outside of the budget process, with Councilmember Brand responding throughout.

Councilmember Xiong presented questions and comments relative to future settlement funds, how committing those future funds will impact the budget, if the up to \$500,000 assumed in the budget was identified for anything specific or for this particular project, concerns with the process and the overall unknown impacts, there being numerous other core services in need of funding, need to see the larger budget picture, the request to commit future funding being a huge hurdle for him, and concerns with possibly not receiving future funds, having to find another funding source, the huge funding gap, process, and serious budget issues (activities/services/staffing/projects) that still need to be discussed, with City Manager Scott responding throughout.

(6 – 0) Councilmember Baines stated he supported this 140%; stated he could not think of a serious threat that impacts the entire city more than copper wire theft; emphasized non-working streetlights were without question a public safety issue; added dark streets keep neighborhoods bonded in fear and he represents a lot of neighborhoods where gangs have overtaken those unlit neighborhoods; and elaborated further on the issue and his concerns and stressed Council needed to take action as copper wire theft was the #1 problem, a solution was being presented here, asked members to not use or hide behind the word “process” and added he was not going to tell his constituents the problem could not be addressed because of “process”, and commended Councilmember Brand for coming up with a solution to this serious problem.

Councilmember Westerlund stated Councilmember Brand's and Baines' passion and comments were moving and compelling; stated the issue and concern for him was not process but about having a budget presentation in two weeks, the unknowns at this time on where the City will be, and spending new dollars coming in; stated he wanted to see how the books will be closed and requested this matter be delayed for two weeks; and presented questions relative to today's funding commitment, future funding commitment, and language in Article IV stating "Council strongly recommends all appropriate actions to include a \$1 million line item in the proposed FY 12-13 budget...". Councilmember Brand clarified Council was not committing to anything beyond the \$232,800 this date and he felt fairly comfortable \$500,000 was adequate to continue the program and stated he would amend the amount from \$1 million to \$500,000. Upon further question Councilmember Brand stated he would not continue this matter two weeks as every week this matter is delayed the more it costs and explained.

Councilmember Quintero thanked Councilmember Brand for finding monies to address the problem and the administration for working with Councilmember Brand on the issue, concurred with Councilmember Baines stating the most pressing calls Council receives are about streetlights and potholes and that was it adding the least constituents could expect was for the City to cover core services, and expressed his full support.

Upon question of Councilmember Borgeas Mr. Scott stated he was not prepared to talk about shortfall numbers at this time but stated serious measures will have to be taken to deal with the shortfall and commented additionally. Councilmember Borgeas stated this really was an issue of process for him, agreed with the concern expressed about the unknowns on where the City stands and the real possibilities of having to close fire stations and eliminate police officers, and presented questions relative to when encasement work would commence if the resolutions are approved today and the ability to frontload money, with Mr. Scott responding. Public Works Director Wiemiller added after shifting staff and creating the temporary work force his department could start work fairly immediately.

Upon question, Councilmember Brand clarified his motion for Resolution #1 included an amendment to Article IV of the "Act", changing the \$1,000,000 amount to \$500,000 *in the second paragraph* (as subsequently clarified by Mr. Sanchez), and further amended Article VIII to change the timeline from 90 days to 15 days, which amendments were accepted by the second-makers. Upon question of Councilmember Borgeas Mr. Sanchez stated with five votes Council had the ability to revisit this issue and re-appropriate if other more pressing core service issues are compromised.

On motion of Councilmember Brand, seconded by Councilmember Baines, duly carried, RESOLVED, the above entitled Resolution No. 2012-29 hereby adopted, *amending the "Streetlight Funding Act"*, as follows: (1) Article IV, second paragraph, changing the \$1,000,000 amount *to \$500,000*, and (2) Article VIII, changing the timeline for the program from 90 days *to 15 days*, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Olivier
Noes	:	Xiong
Absent	:	None

On motion of Councilmember Brand, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2012-30 hereby adopted, by the following vote:

Ayes	:	Baines, Borgeas, Brand, Quintero, Westerlund, Olivier
Noes	:	Xiong
Absent	:	None

(10:15 A.M.) HEARING TO CONSIDER DESIGNATION OF THE PULLMAN SHED LOCATED AT THE (FORMER) SOUTHERN PACIFIC RAILROAD STATION AT 1713 TULARE STREET TO THE LOCAL REGISTER OF HISTORIC RESOURCES

#1 RESOLUTION - DESIGNATING THE SOUTHERN PACIFIC LINES PULLMAN SHED TO THE LOCAL REGISTER OF HISTORIC RESOURCES

President Olivier announced the time had arrived to consider the issue and opened the hearing.

Historic Preservation Manager Hattersley-Drayton gave a PowerPoint presentation which consisted of an Aerial Photo of the Site, Photo of the Pullman Shed with Facts & Information, 1918 Sanborn Fire Insurance Map, 1960 Photo taken from the Pacific Bank Building, Additional Information on the Pullman Shed, Photo of Sacramento's Pullman Shed, Evaluation by the Historic Resources Group, Staff and Commission Opinion, Fresno's Local Register of Historic Resources, Criteria for Listing, Historic Significance, Eligibility of the Pullman Shed, and Staff Recommendation to Approve. Councilmember Borgeas left the meeting at 2:46 p.m. during the presentation and was absent for the remainder of the meeting.

Upon call, no one wished to be heard and President Olivier closed the public hearing. Councilmembers Baines and Brand made a motion to approve staff's recommendation.

Councilmember Westerlund presented questions relative to whether there would be any impact to the high speed rail (HSR) line and depot, why the building was not pursued for the National Register/if that matter ever came to Council, if the building could be moved (keeping the structural integrity) to be used as part of the multi-modal station, if this item was time sensitive, and desire to delay action to look at the potential impact to HSR. Councilmember Westerlund made a motion to continue the matter for further historical review and impacts, which was seconded by Councilmember Baines.

On motion of Councilmember Westerlund, seconded by Councilmember Baines, duly carried, RESOLVED, the subject Hearing regarding designation of the Southern Pacific Lines Pullman Shed to the Local Register of Historic Resources continued to March 8, 2012, at 10:30 a.m., by the following vote:

Ayes	:	Baines, Brand, Quintero, Westerlund, Xiong, Olivier
Noes	:	None
Absent	:	Borgeas

SCHEDULED COMMUNICATION: APPEARANCE BY RONALD HILLINGER REGARDING CONCERN WITH STORES SELLING DRUG PARAPHERNALIA IN CHILDREN'S PRESENCE AND REQUEST FOR ACTION TO PROHIBIT SAME

Not present when called.

CLOSED SESSION:

(‘A’) CONFERENCE WITH LEGAL COUNSEL – DECIDING WHETHER TO INITIATE OR INTERVENE IN LITIGATION – CASE NAME: CITY OF FRESNO V. STATE OF CALIFORNIA, AUDITOR-CONTROLLER OF THE COUNTY OF FRESNO, AND REAL PARTY IN INTEREST SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF CITY OF FRESNO/REDEVELOPMENT AGENCY OF THE CITY OF FRESNO; AND CITY OF CERRITOS V. STATE OF CALIFORNIA, ET AL., SACRAMENTO SUPERIOR COURT CASE

The City Council met in closed session in Room 2125 at the hour of 2:58 p.m. to consider the above matter and the meeting was adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 4:07 p.m. having arrived and hearing no objection, President Olivier declared the meeting adjourned.

Approved on the ____8th____ day of _____March_____, 2012.

_____/s/_____ Clinton Olivier, Council President	ATTEST: _____/s/_____ Yolanda Salazar, Assistant City Clerk
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